



**Massachusetts Department of Environmental Protection**  
Bureau of Air & Waste  
Solid Waste Management Facility Modifications  
**SW 11, 16, 22**  
**Instructions & Supporting Materials**

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## Introduction

MassDEP is implementing online permitting. During the transition, some applications will need to be completed and others can still be submitted on paper. The three applications noted above are to be submitted on paper until they move to the ePLACE system in late fall 2018.

MassDEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the MassDEP Web site at [mass.gov/dep](http://mass.gov/dep) in two file formats:

- Microsoft Word, which you may fill out and save the Microsoft Word form on your computer, and
- PDF, which has to be printed out and completed by hand.

## Permit Fact Sheet

### 1. What is the purpose of these permits?

This permit is intended to protect public health, safety and the environment by comprehensively regulating modifications to the design and construction of facilities for the storage, transfer, processing, treatment or disposal of solid waste. Solid waste management facilities must be designed and constructed to prevent pollution of land, air and water and to prevent nuisance conditions.

These permits are issued for approvals of modifications to previously approved (permitted) solid waste management facilities. These approvals include, but are not limited to, modifications of design plans, construction, facility operation, maintenance and corrective actions.

Legislative authority for this permit is stated in MGL c. 21A, ss. 2 and 8, c. 111, s. 150A and the Acts of 1987 c. 584. Authority for the Class II Recycling Program may be found at M.G.L. 25A Section 11F(d). Regulations promulgated pursuant to these laws are codified in 310 CMR 19.000, Solid Waste Management Regulations.



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## 2. Who must apply?

Any individual, business or organization intending to modify a previously approved (permitted) solid waste management facility – except for a transfer station that is subject to the certification process under 310 CMR 19.029(4) – must apply for this permit modification in accordance with 310 CMR 19.029(2) or (3).

*SW 11:* Major permit modifications to landfills. A major modification is defined as a design change that will result in the construction of an appurtenance or structure.

*SW 16:* Permit modifications to combustion facilities.

*SW 22:* Minor permit modifications to landfills. A minor modification is defined as a change in operations, equipment or daily capacity but not construction of an appurtenance or structure.

## 3. What other requirements should be considered when applying for this permit?

- a. What are the prerequisites to apply for this permit?

A valid facility permit issued in accordance with 310 CMR 19.000 is a prerequisite applicable to all facilities seeking a permit modification.

**Note:** Permits of this type may require MEPA review. Please carefully examine 301 CMR 11.00, the MEPA Regulations, to determine if your project exceeds the MEPA review thresholds, or for more information contact the MEPA Unit of the Executive Office of Environmental Affairs (100 Cambridge Street, Boston, MA 02202; (617-727-5830)).

**MassDEP cannot complete technical review of the permit application until the MEPA process has been concluded.** Copies of MEPA filings (with reference to any applicable Transmittal numbers) should be sent to the appropriate program offices in Boston and the MEPA Coordinator in the appropriate Regional Office.

- b. What concurrent applications are related to this permit?

The following may be needed depending on the type of modification requested:

- Title V (subsurface disposal)
- Wetlands Order of Conditions (310 CMR 10.00)
- Sewer Connection (314 CMR 7.00)
- National Pollution Discharge Elimination System (NPDES) (314 CMR 5.00)

Authorizations to operate (SW 06, SW 10, SW 20) may be required before the facility can begin operations depending on the type of modification requested.

**Note:** These additional requirements are intended to serve as a guide to the applicant. It does not necessarily include **all** additional requirements.



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**4. What is the application fee? Where can I get a copy of the timelines? What is the annual compliance fee?**

Application fee, review timeline, and annual compliance fee information is available at:  
<https://www.mass.gov/media/1078346>

**5. What is the Primary Permit Location? What is the Reserve Copy Location?**

Primary Permit Location:

**Department of Environmental Protection**  
\* **Regional Office**  
**Solid Waste Management**

\*Find your region:

<https://www.mass.gov/service-details/massdep-regional-offices-by-community>

Reserve Copy Location:

**Not required.**

**8. How long are these permits in effect?**

The permit modification may state, as a condition of approval, how long the permit modification is in effect. Otherwise, the timelines established by the facility permit or authorization to operate govern how long the permit modification is valid.

**9. How can I avoid the most common mistakes made in applying for these permits?**

- a. The applicant should contact MassDEP prior to submitting a permit modification so MassDEP can determine what plan components set forth in 310 CMR 19.030(2)(d) are necessary to evaluate the feasibility and potential impact of the proposed modifications on the public health, safety or the environment.
- b. Carefully review the criteria for a permit modification (19.038) to ensure that all applicable criteria have been identified and are comprehensively addressed in the submission.
- c. Submit fee and one copy of the MassDEP Transmittal Form  
<https://www.mass.gov/service-details/transmittal-form-number-for-massdep-permit-application-payment> to:

Department of Environmental Protection  
P. O. Box 4062  
Boston, MA 02211



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**10. What are the regulations that apply to these permits? Where can I get copies?**

These regulations include, but are not limited to:

- a. Solid Waste Management Regulations, 310 CMR 19.000.
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

These may be purchased at:

**State Bookstore (in State House)**  
**Room 116 436**  
**Boston, MA 02133**  
**617-727-2834**

**State Bookstore**  
**Dwight Street, Room 102**  
**Springfield, MA 01103**  
**413-784-1376**

Unofficial copies of the above regulations are available on MassDEP's website at:  
<http://www.mass.gov/dep/>

**Application Completeness Checklist**

The MassDEP Transmittal Form is completed: <https://www.mass.gov/service-details/transmittal-form-number-for-massdep-permit-application-payment>

- ☐ Application Checklist has been completed.
- ☐ One copy of the modifications with reports (if applicable) is attached.
- ☐ A Massachusetts Registered Professional Engineer has prepared and signed the modified plans and reports.
- ☐ Certification statement has been signed by responsible official.
- ☐ Variances requested are identified.
- ☐ To submit the application package:
  - ☐ Checklist items have been completed.
  - ☐ Send two copies of the application along with one copy of the MassDEP Transmittal Form to:

Department of Environmental Protection  
\_\_\_\_\_\*Regional Office  
Solid Waste Management

\*Find your region:

<https://www.mass.gov/service-details/massdep-regional-offices-by-community>